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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1388th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 24 February, at 3 p.m.

Chair: Ms. Hayashi

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Vanuatu (continued)
(CEDAW/C/VUT/4-5; CEDAW/C/ VUT/Q/4-5 and Add. 1)

1. *At the invitation of the Chair, the delegation of Vanuatu took places at the Committee table.*

2. **The Chair** invited the delegation of Vanuatu to continue with their replies to questions put by Committee members at the previous meeting.

Articles 10 to 14 (continued)

3. **Ms. Kenneth** (Vanuatu) said that according to the 2013 annual report of the Ministry of Education, the decreasing trend in girls' enrolment in secondary school was attributable to onerous secondary school fees, the geographical location of schools and the costs associated with transport. Also at play were the cultural interpretations of gender roles, especially in rural areas, which encouraged the education of boys, but not girls. The Ministry of Education had launched an initiative involving career talks that encouraged girls to attend and stay in school. It was hoped that eventually as many women as men would apply for and receive education grants.

4. There was currently no protocol for reporting violent incidents in schools. The introduction of the "safe school" concept was still under discussion by the Ministry of Education.

5. **Mr. Ben** (Vanuatu) said that raw data from 2014 showed that grant allocation was becoming more equitable between the sexes: women and men had received 56 and 44 per cent, respectively, of grant money, compared with 61 and 39 per cent previously. The return to school of girls having given birth was encouraged by the Ministry of Education, but its facilitation was not a formal policy. Distance learning had been introduced in 2004 as a means of providing a second chance to girls who dropped out because of pregnancy. Three secondary schools had allowed girls to return to schools once their infants had reached a certain age by incorporating distance learning into their curriculum.

6. **Ms. Kenneth** (Vanuatu) said that the word "pushing" in her Government's replies to the Committee's questions on education referred to the active role being played by the Ministry of Education in encouraging secondary schools and technical institutions to allow girls to return to schools after giving birth.

7. **Mr. Waqanitoga** (Vanuatu) said that the draft employment relations bill, which prohibited discrimination and provided for equal rates of remuneration for work of equal value, was still being considered by the Vanuatu Tripartite Labour Advisory Council. Because the Labour Department lacked the necessary capacity, it had not been possible to complete the bill's review and adoption; the time frame for its adoption was now 2020. Technical assistance was expected in 2016 to help the Labour Department to review and enact the bill.

8. The only social security in Vanuatu was provided by the Vanuatu National Provident Fund, which provided social benefits to any person residing in Vanuatu whose employment fell under the legal definition of work. Contributions to the Fund were mandatory for employers and for employees who earned 3,000 vatu or more per month.

9. **Ms. Tokon** (Vanuatu) said that the Reproductive Maternal Neonatal Child Adolescent Health Strategy was aimed at improving the health of mothers, children and

other vulnerable groups. Jointly funded by the Government and development partners, the Strategy specifically sought to address disparities in health in rural and urban settings and to facilitate vulnerable groups' access to health care. Nevertheless, there continued to be significant challenges related to poorly developed infrastructure and financial and human resource constraints. Specialists had been recruited to work in four of the six provinces of Vanuatu; they would work with the reproductive health teams of their respective provinces to deal with the issues raised in the dialogue with the Committee.

10. The Government was working with the United Nations Children's Fund (UNICEF) to increase vaccination coverage. It was hoped that the next survey, to be conducted shortly, would show an improvement in the coverage throughout the country. Efforts to ensure rural women's access to health services were also ongoing.

11. Services for victims of gender-based violence were available, although they were concentrated in urban centres. Specifically, legal assistance was provided by the Family Protection Unit of the Women's Centre, which itself was under the Department of Women's Affairs. Health response guidelines were expected to become available in the second quarter of 2016.

12. According to the 2010 *Millennium Development Goals Report*, Vanuatu had been among the lowest-ranked countries for Millennium Development Goal 5. In 2014 and 2015, the Government had received assistance from the United Nations Development Programme to accelerate progress on Goal 5, focusing especially on contraceptives and teenage pregnancy. Related measures had involved drafting the family life education syllabus, which was aimed at raising awareness about teenage pregnancy with the help of government and civil society partners, including the Pacific Council of Churches and various family associations.

13. Financial and human resource challenges continued to hamper the provision of services to rural and isolated areas. Mobile medical outreach was carried out mainly by development partners, as there were very few nurses in the rural areas and they could not afford to leave their stations. Victims of violence continued to suffer from lack of sufficient resources in hospitals, including post-exposure prophylaxis against HIV/AIDS. Currently, such services were concentrated in Vila Central Hospital; help was needed from United Nations and other partners to expand those services and provide guidelines and training on gender issues and human rights to all six provinces. The counselling services provided through Israeli aid to the population of Vanuatu in the wake of Cyclone Pam had helped to create awareness about mental and behavioural health. With just one psychiatrist working in the country, however, much remained to be done. She took note that awareness-raising was also needed with regard to persons with disabilities and their right to access sexual and reproductive health services.

14. **Ms. Kenneth** (Vanuatu) said that the health response guidelines to be published on victims of violence would be inclusive of persons living with HIV/AIDS and persons with disabilities.

15. **Ms. Bailey** said that, since "safe schools" were not yet a reality and there were no protocols in place, it would be useful to learn who was responsible for reporting sexual violence, which was a criminal offence. The State party should clarify whether it was mandatory for secondary schools and technical institutions to respond positively to requests from girls who wished to return to school after giving birth. Furthermore, she wondered whether distance education was a realistic option, as it assumed that girls had access to the Internet at home.

16. **Ms. Haidar** said that if distance education was a possibility, it would be interesting also to explore options of e-governance. On the issue of nationality, for instance, it might

be possible to register births electronically in order to overcome existing geographical obstacles.

17. **Ms. Patten** said that the State party should eschew broad, general language in the employment relations bill and instead set out specific provisions. She wondered whether the bill applied explicitly to both the private and public sectors; whether it covered domestic workers; and whether it addressed sexual harassment in the workplace.

18. Referring to the concept of decent work, she said that social protection was an inalienable right of any worker; she therefore urged the State party to consider extending social protection to people working in the informal sector. She would appreciate more information on the measures adopted to address issues of occupational segregation and domestic workers. It would also be useful to learn the percentage of women and men working in the recently recognized scheme that offered seasonal work opportunities overseas, and whether the Government was considering affirmative action measures to facilitate women's access to such schemes.

19. **Ms. Chalal** asked whether contraceptives were free and easily available.

20. **Ms. Kenneth** (Vanuatu) said that until a more formal process was introduced for reporting sexual violence in schools, teachers were responsible for reporting any incidents.

21. **Mr. Ben** (Vanuatu) said that the Gender Equity in Education Policy for the period 2005-2015 encouraged, but did not make it mandatory for, schools to allow girls to return after giving birth.

22. **Mr. Waqanitoga** (Vanuatu) said that distance education was a new initiative being considered by the Government to satisfy the needs of students living in remote areas. A department had been established to further explore the options of e-learning and e-governance.

23. It was regrettable that the employment relations bill was not accessible while it was being reviewed by the Labour Department. However, it was known that it dealt with the ban on employment of women at night and contained provisions prohibiting discrimination and making sexual harassment in the workplace a criminal offence. The bill, which could not as yet be enacted through the normal procedure, would first be reviewed in order to take account of the state of affairs in Vanuatu. The recruitment of consultants and others providing technical assistance had already begun.

24. **Ms. Tokon** (Vanuatu) said that, with assistance from the United Nations Population Fund (UNFPA), contraceptives were free, although it was difficult to fund full accessibility. In 2014, the Government had introduced a new method of family planning involving Jadelle five-year implants, which it hoped would reduce the number of teenage pregnancies and reduce the need for women to keep renewing their supply of contraceptive pills. There were 1,000 users of the implants, to date. Another approach to reducing teenage pregnancies was to provide sexual and reproductive health education in schools, with support from parent-teacher associations. The country was also faced by a shortage of human resources, but a basic training programme for nurses was in place. Moreover, 11 young women and 3 young men had arrived as interns from Cuba.

25. **Ms. Pomeranzi**, addressing issues under article 13 of the Convention, said that the State party's achievement in reducing poverty was commendable, but she wondered how the Government was implementing and monitoring its national policy to empower women, especially women suffering from multiple forms of discrimination. She wished to know whether there were vocational or training programmes in information technology or other disciplines for women and girls in the outer islands and whether any budget had been allocated for that purpose.

26. She would be grateful for further information on women's access to credit schemes and microfinance. In view of the high interest rates involved, she asked what the criteria for membership were and whether the Government provided access to technical assistance and business opportunities. All existing schemes seemed to be run by civil society. She also wished to know whether the Government took action to regulate imports, thereby supporting local products, such as traditional dresses, which were usually made by women. If imports were not controlled, women's businesses suffered and they had to find alternative employment.

27. Lastly, she asked what opportunity women working in the informal sector had to participate in the Vanuatu National Provident Fund. If they could not participate, they should be enabled to do so.

28. **Ms. Arocha Dominguez** said that the State party had not provided sufficient data for the Committee to evaluate its progress under article 14 of the Convention. It appeared that the Government had not taken the action recommended in the Committee's concluding observations in 2007 (CEDAW/C/VUT/CO/3). Owing to the geography of the country, the needs of the rural population were more pressing than in many other countries. Specifically, she would be grateful to hear more about the "mandatory" participation by women in *nakamals*, the traditional meeting places mentioned in paragraph 49 of the replies to the list of issues; she wondered how such participation was monitored and enforced. She would also be glad to know more about the bodies mentioned in paragraphs 54 to 57 of the report, such as the Vanuatu Agricultural Development Bank, which appeared to have no gender-based focus. If that was not the case, she would be grateful if the delegation would send further information within 48 hours. She also wished to be given information about services in remote communities. In particular, she would welcome a gender breakdown of persons living in poverty in urban and rural areas.

29. With regard to the National Disability Policy and Plan of Action, currently under review, she asked whether any provisions specifically applied to women. Lastly, she commended the State party for establishing a gender-based cluster at the National Disaster Management Office following Cyclone Pam in 2015, but she wondered whether the cluster existed only at the national level or also in the provinces and smaller communities and whether women were involved in recovery and rehabilitation. She also wished to know whether the Office dealt only with disasters when they struck or also with wider questions of climate change, which would ultimately affect the economy.

30. **Ms. Kenneth** (Vanuatu) said that the Government had been the prime mover in setting up credit facilities, but it was true that interest rates were high. The issue formed part of the continuing debate between the Government and the Vanuatu Women's Development Scheme. In 2015, the Department of Women's Affairs had undertaken a study on business options for women in order to improve government support. Lastly, she acknowledged that the Government had no policy on protecting local produce.

31. **Mr. Waqanitoga** (Vanuatu) said that, since they were not in regular full-time employment, women working in the informal sector did not qualify for membership of the Vanuatu National Provident Fund. They could, however, make voluntary contributions. One problem was that people working in the informal sector often lacked information on the Fund.

32. **Mr. Natuman** (Vanuatu) said that, in view of the fact that the Constitution recognized customary activities if they were not in conflict with anyone's constitutional rights, the Government recognized *nakamals*, which had previously comprised only men. Under the Customary Land Management Act, No. 33 of 2013, *nakamals* were now open to women and children. If they had an interest in disputed land, they were entitled to state their case and to appeal against any decision made.

33. **Ms. Kenneth** (Vanuatu) said that the Government did not currently have any data on the level of participation by women in *nakamals*. It would provide the information later. As for the question about the bodies mentioned by Ms. Arocha Domínguez, the Government would need to look further into the question of introducing a gender-based approach. Generally speaking, awareness of the issue had been raised: it was a legal requirement for women to be represented on the board of the Vanuatu Agricultural Development Bank and the Council of Ministers ensured that women were represented on committees to identify candidates for training in various areas. As for services to rural populations, the delegation would take the question as a recommendation and carry out comparative studies, which did not yet exist. The delegation had no data on the numbers of women obtaining access to finance but could provide them within 48 hours.

34. Under the 2015 review of the National Disability Policy and Plan of Action, the needs of women had been recognized, in line with the National Gender Equality Policy for the period 2015-2019. It was encouraging that a person with a disability was a member of the legislature, providing a focal point for persons with disabilities throughout the country. There was a gender strategy and a disability strategy under the technical and vocational education policy. As for the question about clusters set up after Cyclone Pam, she confirmed that women with disabilities participated in data collection and played their part, through women's groups, in plans for rebuilding houses and replanting land on some islands. Women participated, with help from the Food and Agriculture Organization (FAO), in the National Disaster Management Office. Information on vulnerable rural women had been integrated into the country's humanitarian system. A gender strategy was also mainstreamed in the National Advisory Board on Climate Change and Disaster Risk Reduction. Lastly, the Gender and Protection Coordinator worked with provincial authorities to ensure that gender and protection clusters were incorporated in local authority plans and programmes.

35. **Ms. Ameline** asked whether Vanuatu felt that it had received enough international support in fighting for the survival of the country. She also wished to know whether the National Advisory Board on Climate Change and Disaster Risk Reduction had a gendered approach and whether new policies had been put in place to help women.

36. **Ms. Pomeranzi** said that, in asking her question, she had had in mind a government policy on an inclusive economy, which could be created by addressing the specific vulnerabilities of women. A multidimensional approach to the economic empowerment of women was required in order to achieve an inclusive, sustainable economy. She encouraged the State party to review its policy in that light.

37. **Ms. Haidar** said that intersectional discrimination, which affected disadvantaged groups of women, was not specifically addressed in the National Policy on Gender Equality or in the National Disability Policy and Plan of Action. Alternative sources had also indicated that disaggregated data on such discrimination were not available. The State party should carry out the necessary actions to mainstream the rights of women and girls with disabilities, across all laws.

38. **Ms. Kenneth** (Vanuatu) said that the Vanuatu Climate Change and Disaster Risk Reduction Policy ensured that gender issues were dealt with at all times, not just when natural disasters occurred. The Government worked together with civil society partners in humanitarian and emergency settings to protect the rights of persons with disabilities. Studies had been carried out on the economic policy in place, in conjunction with NGOs and other partners, to ensure that a comprehensive policy was implemented to support the economic empowerment of women. The Government understood and appreciated that intersectional discrimination was a serious concern. Despite financial constraints, efforts were being made to review policies to eliminate any discriminatory provisions and make the policies more inclusive, to amend the relevant legislation, as required, and to provide

support and funding for groups working in the field of intersectional discrimination. The first step would be to examine the National Policy on Gender Equality in order to ensure that it recognized the rights and specific needs of different groups of women, such as women with disabilities and single mothers.

Articles 15 and 16

39. **Ms. Patten** said that she was concerned that the Committee's previous recommendation to raise the minimum age for marriage for girls to 18 had not been implemented. Why was that the case and what obstacles were there to amending the Control of Marriage Act? She wished to know whether the Law Reform Commission had a time frame for submitting its recommendations to the Government on the amendments to be made. The Committee understood that early and arranged marriage had been a traditional and historical practice in the State party, mainly for building alliances and acquiring wealth, and that, nowadays, rather than submitting to such arrangements, many couples choose to marry on their own. Nonetheless more information would be welcome on what had been done to combat that practice and whether awareness-raising campaigns had been conducted. She would like to know what the position of the Government was on that issue and whether steps had been taken to require customary marriages to be registered and to criminalize the act of aiding and abetting forced marriage, even in cases in which the parents were responsible. Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (CEDAW/C/GC/31-CRC/C/GC/18), had clarified the negative impact of early marriage on girls.

40. The subject of polygamy and the exchange of gifts between families as a form of bride price was also a matter of concern to the Committee, as had been expressed in the past. Had measures been implemented to review and repeal those provisions of customary law which promoted those practices and to bring them into line with article 16 of the Convention? Had a dialogue been initiated on that matter with chiefs? The bride price practice was harmful, as it encouraged domestic violence and discrimination against women, and perpetuated the idea of women as property. The Committee was also interested to know what efforts had been made to eliminate and assess the extent of the practice and to examine what impact it had on marriage, family relations and custody rights. She wondered what role the Vanuatu National Council of Women played in the practice.

41. She would like to know whether the ceiling on bride prices set by the Vanuatu National Council of Chiefs in conjunction with the Vanuatu National Council of Women in 2005 still applied and if it was true that efforts had been made to encourage people to pay the price in goods rather than in cash. Had any research been conducted to determine how often women in rural areas resorted to seeking the assistance of the chief of the village to resolve family disputes, such as those relating to child support or custody?

42. **Mr. Natuman** (Vanuatu) said that it was correct that many areas of family law needed to be amended. The task of reviewing legislation was the responsibility of the Law Reform Commission and the legislature then scrutinized the recommendations provided by the Commission. No recommendations had been put forward, to date, on family law, including the issue of the minimum age for marriage for girls. On the matter of arranged and early marriage, such practices had not been criminalized. It was difficult, although not impossible, to legislate on that type of issue, as it was a customary practice and customary practices were recognized by the Constitution.

43. There was legal requirement for the registration of customary marriages; they simply had to be witnessed by a chief. However, the Government could consider introducing such a requirement. Polygamy was a very sensitive issue in Vanuatu and was thus difficult to legislate on. The practice was customary in some regions and the Government would be

guided by the recommendations of the Law Reform Commission in deciding whether or not it would be feasible to legislate on the issue.

44. **Mr. Waqanitoga** (Vanuatu) said that, as the practice of bride price was recognized under the customary law, it would be difficult to eliminate. However, the National Council of Chiefs had banned the use of cash to cover the bride price. Although no specific legislative provision was in place to regulate the practice, parents were required to come to an agreement on the amount of wealth to be paid and the items to be exchanged. The Government was endeavouring, through the Council of Chiefs, to dispel the notion that women could be given away as property in exchange for payment. The bride price could potentially be taken into account in the event of the dissolution of a traditional customary marriage. However, in customary marriages that had been registered, civil law prevailed over customary law in matters relating to marriage such as property and child custody. The courts had often made reference to the provisions of the Convention in cases relating to the division of marital property following a divorce.

45. **Ms. Kenneth** (Vanuatu) said that research had been carried out in 2005 by the Vanuatu Women's Centre, in conjunction with the Government, on the prevalence of domestic violence. As a result, awareness-raising activities had been undertaken and the findings of the research had been forwarded to community leaders and development partners and stakeholders in rural areas. The Council of Chiefs had supported the research and continued to advocate for the bride price to be paid in kind.

46. **Ms. Patten** said that customs evolved and therefore should not be used to justify continued discrimination against women. She would like to know what the gender composition of the Law Reform Commission was, if the members of the Commission were properly trained in the provisions of the Convention and whether the issue of bride price was a priority for the Commission. What was the Government's position on bride price and forced marriage? Regardless of the recommendations of the Commission on those issues, it was ultimately the responsibility of the Ministry of Justice and Community Services to set the policy guidelines on those matters.

47. **Ms. Gbedemah** said that other countries, such as her own, that had traditionally practiced customary forms of marriage had managed to ensure that such marriages were registered and to abolish the practice of early marriage. It should therefore be possible for Vanuatu to do the same.

48. **Mr. Waqanitoga** (Vanuatu) said that the Government intended to strengthen the Law Reform Commission by giving it more powers and the ability to review legislation in order to eradicate discriminatory provisions. A review of the Penal Code had already been carried out and the Government would soon look into implementing the recommendations made. The Government was aware of numerous challenges in relation to customary law and was exploring the areas in which such law conflicted with the Convention, with a view to eliminating discriminatory provisions.

49. **Ms. Kenneth** (Vanuatu) said that the Law Reform Commission was composed of three permanent staff and two volunteers, including two women and three men. The delegation was grateful for the constructive dialogue with the Committee and appreciated the recommendations made.

The meeting rose at 5 p.m.